

PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

CHIEF HEARING OFFICER DIRECTIVE

DOCKET NO. 2020-125-E ORDER NO. 2020-140-H

DECEMBER 22, 2020

CHIEF HEARING OFFICER: David Butler

DOCKET DESCRIPTION:

Application of Dominion Energy South Carolina, Incorporated for Adjustment of Rates and Charges (*This filing includes a request for an increase to retail electric rates) (See Commission Order No. 2020-313)

MATTER UNDER CONSIDERATION:

Request to Create a Hearing Chart by the Office of Regulatory Staff

CHIEF HEARING OFFICER'S ACTION:

The Chief Hearing Officer wishes to thank the Office of Regulatory Staff for its proposal to create a Hearing Chart for the purpose of aiding the parties as they prepare for this hearing. Clearly, the Chart as proposed would provide some helpful information for the Commission and parties. However, the Chart does request some information that is duplicative with certain requirements already issued by the Commission, and some information that is to be provided is not in an area encouraged by the Commission.

For example, the proposed chart has a column for "Order in which the Party will Present its Witness." As pointed out by the ORS letter accompanying the Chart, the parties have already been asked to provide the order of witnesses by December 22, 2020. If the witness order provided by the multiple witness parties differs from that listed on the Chart, the Chart would have to undergo a major revision. Further, the parties may have to change the order of witnesses for procedural reasons, therefore, rendering even a revised Chart inaccurate. Second, the Chart has a column "Date on which the Witness Must Testify (Requested Date Certain)." The Commission does not encourage Dates Certain, since, if used for multiple witnesses, Dates Certain introduce uncertainty into the flow of the hearing. If multiple witnesses state that they can only testify on one date certain, and this is left unchecked, the possibility looms that the Commission could run out of witnesses for that particular day, and valuable hearing time could be wasted. The necessity for a date certain seems even less useful when considering the fact that the present Dominion hearing will be virtual. The witnesses would not be required to travel to the Commission to provide their testimony, but, indeed, could provide their testimony from any location with internet access. This is not to state that the Commission would not entertain a request for a Date Certain from a party with a legitimate problem. However, Dates Certain have to be used sparingly in order to maintain the flow of the Commission proceedings, since it is most helpful when the witnesses are available as needed. Accordingly, this Chief Hearing

Officer does not favor the use of these two columns in the proposed chart for the reasons stated above.

The column marked “Party’s Estimated Cross Examination of Witness,” however, could provide helpful information to the Commission and the parties for planning purposes. Certainly, parties who are willing to provide this information should do so on or before December 30, 2020. Such information should be provided to both the Commission and the other parties by that date and may be provided on a voluntary basis. Further, any legitimate requests for a Date Certain should be made to the Commission on or before December 30, 2020.

While the efforts of the Office of Regulatory Staff are appreciated, this Chief Hearing Officer cannot endorse the proposed chart as drafted for the reasons given above. Certainly, each party may use whatever method they may choose to keep up with procedural matters in this proceeding.

With regard to the request that the Commission begin the hearing each day at 9:00 am and ending no earlier than 6:00 pm, the Chief Hearing Officer would note that the starting and ending times for the daily hearing are in the discretion of the Chairman of the Commission. The Chairman may consider the ORS request, but has the right to set whatever beginning and ending times that he deems appropriate for the proceedings.

This ends the Chief Hearing Officer’s Directive.